

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

Brandon Lee Rupperecht,

Petitioner,

-vs-

Colby Braun, Warden,

Respondent.

Case No. 3:16-cv-26

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

The court has received a Report and Recommendation from the Honorable Alice R. Senechal, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending that Brandon Lee Rupperecht's habeas petition be dismissed without prejudice.¹

The court, having reviewed the Report and Recommendation and the entire file, finds the magistrate judge's analysis is appropriate. The court hereby **ADOPTS** the Report and Recommendation in its entirety. For the reasons set forth therein, Respondent's motion to dismiss² is **DENIED**. Rupperecht's motion to dismiss³ is **GRANTED** and his habeas petition is **DISMISSED** without prejudice.

IT IS SO ORDERED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 8th day of August, 2016.

/s/ Ralph R. Erickson
Ralph R. Erickson, Chief Judge
United States District Court

¹ Doc. #18.

² Doc. #10.

³ Doc. #16.